Group VIII: Claims 32-41, drawn to a method of enantioselective oxidation of alcohols.

Applicants elect, with traverse, Group I, Claims 1-7, for further prosecution.

Applicants note that claims of Groups II, VII, and VIII directly depend from the claims of Group I, and as such can not be separated.

Applicants also note that the product of Group I is made by the process of Group III and, therefore, these Groups should not be separated.

In regard to Groups (I) and (VII and VIII), the Office has characterized the relationship between these groups as product and process of use. Citing MPEP §806.05(h), the Office concludes that the "protein of Invention II can be used for the production of the antibody against the protein." However, Applicants note that claims of Groups VII and VIII directly depend from the claims of Group I, and as such can not be separated. Moreover, Applicants wonder how the "protein of Invention II" provides any support for restriction between Groups (I) and (VII and VIII). With respect to Groups (I) and (VII and VIII), the Office has not provided any reasons and/or examples to support their conclusion. Accordingly, Applicants respectfully submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

The Office has characterized the inventions of Groups I-II and IV-VI as unrelated. However, Applicants note that claims of Group II directly depend on Group I, and as such can not be separated. Accordingly, the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Accordingly, Applicants respectfully submit that the Restriction Requirement should be withdrawn.

Applicants respectfully traverse on the additional grounds that the Office has not shown that a burden exists in searching the entire application.

Further, MPEP §803 states as follows:

> If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions.

Applicants submit that a search of all claims would not constitute a serious burden on the Office, particularly in view of the fact that Groups I and II and Groups IV and V are classified in the same subclasses (class 435, subclass 190 and class 536, subclass 23.1, respectively).

For the reasons set forth above, Applicants contend that the Restriction Requirement is improper and should be withdrawn.

Additionally, MPEP §821.04 states:

> ...if applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim ***will*** be rejoined.

Applicants respectfully submit that should the elected group be found allowable, non-elected process claims should be rejoined.

Applicants further submit that this application is now in condition for examination on the merits and an early notification to that effect is earnestly solicited.

Respectfully submitted,

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